



CS-17-6966
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IN AND FOR THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

LAURA BIVENS,

Plaintiff,

v.

ALLSTATE FIRE AND CASUALTY
INSURANCE COMPANY,

Defendant.

AUG 21 2017

RICK WARREN
COURT CLERK

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Case No.
The Honorable

CS-2017-6966

PETITION

The Plaintiff, Laura Bivens, for her Petition against the Defendant, Allstate Fire and Casualty Insurance Company ("Allstate"), alleges and states:

1. At all relevant times, Plaintiff was insured under an automobile insurance policy issued by Allstate, Policy No. 9 85 060496 11/07, effective November 7, 2012 (hereafter the "Policy"). The Policy provided medical payments coverage with limits of \$ 25,000.

2. On or about July 19, 2016, Plaintiff was involved in an accident while occupying a vehicle owned by Allstate's insured, Humberto Martinez. Plaintiff was eligible for med pay benefits under the Allstate policy issued to Martinez. Plaintiff promptly forwarded her medical records and bills to Allstate for payment under its medical payments coverage. The bills incurred by Plaintiff were directly related to the subject accident. The amount of the bills was reasonable and the treatment was necessary.

3. Nonetheless, Allstate only paid a portion of the bills submitted, and demanded that the healthcare providers agree to a reduction. The healthcare providers in question agreed to reduce their bills to an extent, but they refused to reduce their bills to the extent Allstate wanted them reduced.



4. To date, Plaintiff's medical bills have not been paid in full by Allstate under the medical payments coverage, and Allstate has refused to negotiate a fair and reasonable reduction with the healthcare providers.

5. Allstate's actions in failing – and delaying – to pay the full amount of Plaintiff's medical bills constitute a breach of contract. As a result of Allstate's breach, Plaintiff has suffered injuries and damages, including the loss of policy benefits.

6. Allstate owed and continues to owe Plaintiff a duty of good faith and fair dealing in connection with the payment of Plaintiff's medical bills.

7. Allstate has failed and refused to pay the full amount of Plaintiff's medical bills. Allstate's position in this regard is arbitrary, baseless, unreasonable, and unfair to this Plaintiff. Allstate's actions, described above, are designed to save money by refusing to pay the full amount of Plaintiff's medical bills.

8. Allstate has acted in bad faith by untimely paying med pay benefits when there was no justifiable reason to withhold benefits.

9. Allstate unreasonably failed to deal fairly and in good faith with its own insured, thus breaching its duty to deal fairly and in good faith by failing to fairly and reasonably consider the full amount of Plaintiff's medical bills, and then by arbitrarily paying only a small portion of those bills.

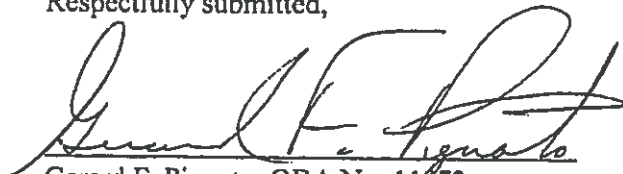
10. As a result of Allstate's failure to deal fairly and in good faith, Plaintiff has suffered damages, including, but not limited to, mental anguish and emotional distress.

11. The actions of Allstate during the handling of Plaintiff's med pay claim demonstrate that Allstate intentionally, and with malice, breached its duty to deal fairly and in good faith. The actions of Allstate were intentional, malicious, and consistent with the overall collective corporate

goal of increasing profits through the systematic reduction or avoidance of claims. Plaintiff, therefore seeks punitive damages against Allstate.

WHEREFORE, Plaintiff prays for judgment against Defendant, Allstate, in an amount less than \$75,000.

Respectfully submitted,



Gerard F. Pignato, OBA No. 11473
PIGNATO, COOPER, KOLKER & ROBERSON, P.C.
Robinson Renaissance Building
119 North Robinson Avenue, 11th Floor
Oklahoma City, Oklahoma 73102
Telephone: 405-606-3333
Facsimile: 405-606-3334
Email: jerry@pclaw.org

AND

Monty L. Cain, OBA No. 15891
CAIN LAW OFFICE
10415 Greenbriar Place
Post Office Box 892098
Oklahoma City, Oklahoma 73189
Telephone: 405-789-7400
Facsimile: 405-759-7424
Email: monty@cainlaw-okc.com
ATTORNEYS FOR PLAINTIFF

ATTORNEY'S LIEN CLAIMED
JURY TRIAL DEMANDED